

ADMINISTRATION OF JUSTICE

CRIMES AGAINST PROPERTY AND HYBRID CRIMES

EXAM STUDY GUIDE

1. This category of crime includes crimes in which property is stolen or otherwise taken against the will of the owner such as theft and embezzlement.
2. Modern theft law recognizes many different kinds of crimes against property as well as hybrid crimes (both against person AND property, like robbery).
3. Most larcenies and thefts are specific intent crimes (extortion is the exception being a general intent crime) which means that the mental state is precisely spelled out in criminal statutes.
4. Any discussion of crimes against property is generally a discussion about the following crimes: Extortion, vandalism, embezzlement, arson, burglary, forgery, robbery, and vVehicle Theft
5. Larceny is the wrongful taking and carrying away of personal property which is in the possession of another with the intent to convert it or permanently deprive the owner thereof.
6. In most states, larceny is divided into two classes, grand and petty, depending on the value of the stolen item.
7. The crime of larceny also includes keeping lost property when a reasonable method exists for finding the owner.
8. You may be also be guilty of larceny if you keep property delivered to you by mistake.
9. Wrongful taking -- The state must show that there was an element of control, however brief, over someone else's property by the defendant.
10. Carrying away -- In legal terminology, this is called asportation.
11. It means that the property was completely moved (however slightly) from the place it was taken.

There are generally seven categories of property:

12. Real property - real estate, trees, and items attached to the land.
13. Tangible property - moveable, and anything not affixed to the land.
14. Documents - money, tickets, paper, and anything of value.
15. Services - labor, utilities, lodging, food, and transportation.
16. Intellectual - skills, talents, abilities or products thereof.
17. Some states also use a "market value" approach to determining worth; others use "replacement cost."
18. The intent may be proven by direct or circumstantial evidence, and at a minimum, by a substantial risk of permanent loss.
19. Since larceny is a specific intent crime, the law requires considering whether there's an intent to steal or a genuine intent to return something.
20. Many states have constructed three levels of taking: larceny (theft) by trick -- con games, schemes, and swindles - larceny (theft) by deception -- stings, scams, price altering - larceny (theft) by fraud, inside trading, telemarketing, credit card
21. Elements of theft are often decided on the basis of something called trespassory taking, which looks at whether the person involved has "larceny in their heart".
22. Shoplifting is a form of larceny as it involves taking items from a store without paying or intending to pay for them.
23. If it can be proven that the person formed the intent to steal before they entered the store, they may be prosecuted for burglary.
24. Entering with a "booster box", empty purse, empty diaper bag on stroller, oversize coat to carry stolen item(s)
25. If the intent to steal prior to entry cannot be proven, then the value of the stolen article(s) shall govern (grand theft vs. petty theft).
26. The crime of embezzlement was created to deal with people, typically employees, who lawfully come into possession of property and then take it for their own use.
27. Unlike the crime of theft by initial wrongful taking, embezzlement involves a violation of trust.
28. Misappropriation is the key element of embezzlement, just as taking is the key element of a larceny.
29. Misappropriation is the wrongful misuse or taking of another's property that has been entrusted to the embezzler.
30. Embezzlement is a specific intent crime. The required mental state is an intent to defraud and convert property. The property converted must have come into the persons possession via a position of trust, commonly called a fiduciary relationship.
31. The element of theft that the perpetrator have the intent to permanently deprive the owner is not an element of embezzlement.
32. The crime of false pretenses deals with the owner being tricked by misrepresentation into voluntarily transferring title to the property.
33. Persons who commit false pretenses do not have any lawful right to possession or any trust relationship. They simply lie, and this is the primary element of false pretenses.
34. With false pretenses, there's usually a transfer of title, deed, or ownership.
35. False pretenses is not committed if the defendant only obtains possession of the property and not title.
36. Receiving, concealing, possessing, buying, or transferring stolen property are typically the behaviors associated with the crimes of fencing or trafficking in stolen goods.

37. The crime of receiving stolen property is a specific intent crime requiring proof: they bought, received, or otherwise came into possession of the property that the property was stolen and at the time of possession of the property, the accused knew the property had been stolen.
38. The level of knowledge is lessened in this crime to include negligence because a person should know, for example, that when they get "too good" a deal on something, it's probably stolen.
39. Robbery and extortion are hybrid crimes, both are crimes against person and property. It's also sometimes said that these are "aggravated" forms of larceny.
40. Robbery is the unlawful taking of property from a person's immediate possession by force or intimidation.
41. In most states, the element of force is the difference between robbery and larceny.
42. Home Invasion Robbery, occurs when the robber follows the victim home, knocks on the door to gain entry, or lies in wait after a break-in.
43. Extortion is the only general intent crime against property and is sometimes referred to as "blackmail."
44. It is the unlawful taking of property from another by threats of future harm.
45. Extortion can be committed over the phone, by mail, or by e-mail (this makes it a federal crime).
46. As a general intent crime, the motives for it don't really matter and it doesn't matter if the victim cooperates or not.
47. Extortion is the most common criminal charge against corrupt police officers.
48. Vandalism, also known as malicious mischief, is willful destruction of, or damage to, the property of another.
49. Vandalism includes such things as breaking windows, ripping down fences, removing street signs, and breaking off car aerials.
50. Arson is the willful and malicious setting of a fire, burning or causing to be burned or who aids, counsels or procures the burning of any structure, forest land or property.
51. The second highest percentage of people who set fires are ordinary citizens who are in financial trouble and see the fire and subsequent insurance payoff as a quick solution to the problem.
52. About one in every four fires is intentionally set -- and almost half of these fires was set by youth under the age of 18.
53. Because it is difficult to show that a fire was caused as a result of a willful and malicious act, most states have enacted laws to cover fires resulting from reckless acts.
54. Modern laws have broadened the definition of burglary to include the unauthorized entry into any structure with the intent to commit a crime, regardless of the time of day.
55. Through what is called actual entry where any part of the offender's body actually entered the building or qualified structure and nighttime burglaries carry stiffer penalties.
56. Through what is referred to as constructive entry when no physical part of the body actually made entry, but entry was made by some contrivance under the control of the offender
57. Preparation to commit theft or any felony can be used as the means for establishing this proof, e.g. burglar tools, tools to commit violent act, etc.
58. Forgery is a crime in which a person who, with the purpose of deceiving or injuring, makes or alters a writing in such a way as to convey a false impression concerning its authenticity.
59. A person commits forgery who, with intent to defraud, makes or utters a written instrument in such a manner that it purports to have been made: by another person, at another time, with different provisions, or by authority of one who did not give authority.
60. Forgery can occur when a person signs a name other than his or her own on a writing and claims that the signature belongs to another person.
61. Forgery can also include changing or erasing part of a previously signed document.
62. The subject matter of forgery under the law in most jurisdictions must be a writing; therefore, there cannot be a forgery of an object such as a work of art.
63. Uttering, which in many states is a separate crime, is offering to someone as genuine a document (such as a check) known to be a fake.
64. A person who merely has a forged writing in his or her possession is not guilty of forgery until he or she "utters" it, or attempts to pass it off.
65. The crime of unauthorized use of a vehicle (sometimes referred to as "joyriding") is committed if the person only intends to take the vehicle temporarily.
66. In most states, joyriding is a lesser-included offense of larceny, having all the elements of larceny except the intent to permanently deprive the owner of the vehicle.
67. Carjacking is the felonious taking of a motor vehicle in the possession of another, with the intent to either permanently or temporarily deprive the person in possession of the motor vehicle of his or her possession, and is accomplished by means of force or fear.
68. Computer crime includes traditional crimes that now may be committed through use of a computer, such as using an art program to: create fake identification, or make fraudulent credit card purchases with someone else's credit card number that had been intercepted over the Internet.
69. Computer crime also involves crimes that are relatively new and specific to computers. Like spreading a harmful virus to other computer systems.
70. One common Internet crime is the transmission of obscene images, movies, and sounds.